

Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

(2) The term *Preparation* as used herein includes all operations involved in making cigar leaf tobacco and scrap tobacco therefrom suitable for use in the manufacture of cigars, whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It includes, but not by way of limitation, the operations of grading, sorting, packing, sweating, fermenting, stemming, and conditioning. It does not include, however, such preliminary processing of cigar types of tobacco or scrap tobacco therefrom as is performed in a manufacturing plant as an integral part of the manufacturing operations attending the production of tobacco products other than cigars, nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

[20 FR 2308, Apr. 9, 1955]

§ 522.82 Number or proportion of learners.

(a) The number of learners which any employer may be authorized to employ by any certificate issued to meet normal labor turnover needs shall not exceed on any one workday ten percent of the total number of factory production workers in the plant: *Provided, however*, That in plants employing less than 100 production workers, a maximum of ten learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

[20 FR 2308, Apr. 9, 1955, as amended at 23 FR 3925, June 5, 1958]

§ 522.83 Learner occupations.

Special certificates may be issued authorizing the employment of learners in the cigar industry in the occupations of cigar machine operating; cigar packing; hand bunch making; hand rolling; hand making Italian stogies; hand stripping; and machine stripping.

[23 FR 3925, June 5, 1958]

§ 522.84 Learning periods.

(a) The maximum learning period which may be authorized in special certificates issued in the cigar industry machine operating in 320 hours; for hand rolling, 960 hours; for hand bunch making, 960 hours; for hand making Italian stogies, 640 hours; for hand stripping, 160 hours; for machine stripping, 160 hours; for packing cigars retailing for more than six cents, 320 hours; and for packing cigars retailing for six cents or less, 160 hours: *Provided, however*, That a worker experienced in the packing of cigars retailing for six cents or less may be trained as a learner in packing cigars retailing for more than six cents for not more than 160 hours, and that a worker with 160 hours of more of experience in the packing of cigars retailing for more than six cents may not be retrained at subminimum wage rates for any period in packing cigars retailing for six cents or less.

(b) If a worker who is being trained in any machine occupation has been employed in that same occupation within the previous three years, the hours of such employment shall be deducted from the maximum learning period. If a worker who is being trained in any hand occupation has been employed in that same occupation within the previous five years, the hours of such employment shall be deducted from the maximum learning period for that occupation.

(c) No worker shall be employed as a learner at special minimum rates in more than two of the learner occupations authorized by § 522.83.

[20 FR 2308, Apr. 9, 1955, as amended at 23 FR 3925, June 5, 1958; 26 FR 8285, Sept. 2, 1961]

§ 522.85 Special minimum wage rates.

(a) The special minimum wage rates which may be authorized in special certificates issued in the cigar industry shall be as follows:

(1) In the occupations of cigar machine operating and cigar packing, not less than \$3.20 an hour through November 2, 1990; not less than \$3.65 an hour through March 31, 1991; and, not less than \$4.10 an hour thereafter.

(2) In the occupations of hand rolling and hand bunch making, not less than

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\$3.20 an hour for the first 480 hours and \$3.275 an hour for the second 480 hours through November 2, 1990; at not less than \$3.65 an hour for the first 480 hours and \$3.725 an hour for the second 480 hours through March 31, 1991; and, at not less than \$4.10 an hour for the first 480 hours and \$4.175 an hour for the second 480 hours thereafter.

(3) In the occupation of hand making Italian Stogies, not less than \$3.20 an hour for the first 320 hours and \$3.275 an hour for the second 320 hours through November 2, 1990; not less than \$3.65 an hour for the first 320 hours and \$3.725 an hour for the second 320 hours through March 31, 1991; and, not less than \$4.10 an hour for the first 320 hours and \$4.175 an hour for the second 320 hours thereafter.

(4) In the occupations of hand stripping and machine stripping, not less than \$3.20 an hour through November 2, 1990; not less than \$3.65 an hour through March 31, 1991; and, not less than \$4.10 an hour thereafter.

(b) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6(j).

[20 FR 2308, Apr. 9, 1955, as amended at 43 FR 5818, Feb. 10, 1978; 55 FR 46468, Nov. 2, 1990]

LUGGAGE, SMALL LEATHER GOODS AND LADIES' HANDBAG INDUSTRIES

§ 522.90 Applicability of general learner regulations.

The employment of learners pursuant to the provisions of §§ 522.90 to 522.93 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 to 522.9), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.90 to 522.93.

[22 FR 471, Jan. 24, 1957]

§ 522.91 Applicability of §§ 522.90 to 522.93.

For purposes of §§ 522.90 to 522.93, the luggage, small leather goods and ladies' handbag industries are defined as those industries manufacturing lug-

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gage, small leather goods and ladies' handbags.

[22 FR 471, Jan. 24, 1957]

§ 522.92 Issuance of learner certificates.

In the absence of extraordinary circumstances, applications for the employment of learners at wages lower than the statutory minimum wage in these industries shall be denied.

[32 FR 665, Jan. 20, 1967]

§ 522.93 Learner certificates in extraordinary circumstances.

In those cases where extraordinary circumstances are shown to exist, learner certificates for the employment of learners at wages lower than the statutory minimum wage shall be issued in accordance with the provisions of the general learner regulations (§§ 522.1 through 522.9) only after all interested parties have been given opportunity to present their views on the application pursuant to § 522.4.

[32 FR 665, Jan. 20, 1967]

SMALL ELECTRICAL PRODUCTS INDUSTRY

§ 522.100 Applicability of general regulations.

The employment of learners pursuant to the provisions of §§ 522.100 to 522.103 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 to 522.9), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.101 to 522.103.

[22 FR 3226, May 8, 1957]

§ 522.101 Applicability of §§ 522.100 to 522.103.

For purposes of §§ 522.100 to 522.103, the small electrical products industry is defined as the industry manufacturing such items as small switches, coils, relays, armatures, transformers, fuses, condensers, capacitors, radio speakers, and antennas.

[22 FR 3226, May 8, 1957]